

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

FRANCES Z. WHEAT, AS PERSONAL
REPRESENTATIVE AND FOR/ON BEHALF
OF THE ESTATE AND WRONGFUL DEATH
BENEFICIARIES OF SARAH KATHERINE
WHEAT, DECEASED

PLAINTIFF

V.

CIVIL ACTION NO.: 3:13-CV-00087-SA-DAS
Consolidated with 3:13-CV-00088-SA-DAS

JOHN HOWARD STRICKLAND, JR.,
JOHN HOWARD STRICKLAND, and
JENNIFER STRICKLAND

DEFENDANTS

AGREED ORDER
PARTIAL SATISFACTION OF JUDGMENT
AGAINST DEFENDANT JOHN HOWARD STRICKLAND, JR.

On March 10, 2015, a consent judgment was entered against Defendant John Howard Strickland, Jr. ("Defendant JR Strickland") in the amount of Eight Hundred Sixty-Three Thousand, Eight Hundred Fifty-Seven Dollars and 84/100ths (\$863,857.84), which represented a settlement of \$950,000 less \$86,142.16 Defendant JR Strickland was ordered to pay in restitution. Pursuant to the Consent Judgment [136], this Court retained jurisdiction for the purposes of entering Orders modifying, or satisfying all or a portion of the Consent Judgment consistent with the Settlement Agreement executed between the parties, or effectuating or enforcing compliance with the terms of this Consent Judgment.

Pursuant to Paragraph II.5. of the Settlement Agreement, there were \$200,000 in insurance proceeds available to satisfy a part of the Consent Judgment; however, the parties agreed that no insurance proceeds would be paid by Defendant JR Strickland's insurer, USAA, at that time. The parties agreed that those insurance proceeds were to be reserved to potentially

satisfy the Plaintiffs' claims pending against Defendants John R. Strickland and Jennifer Strickland (collectively "Mr. and Mrs. Strickland") in the event of a settlement or judgment against them in this matter. The Settlement Agreement further provided that in the event Plaintiffs prevailed against Mr. and Mrs. Strickland, or in the event a settlement was reached between Plaintiffs and Mr. and Mrs. Strickland, the \$200,000 in insurance proceeds would be used to satisfy that judgment or settlement, and that any amounts left over, if any, would be credited to satisfy a portion of the Consent Judgment against Defendant JR Strickland. Further, in the event the claims against Mr. and Mrs. Strickland were discharged through bankruptcy prior to going to trial in this case, then the \$200,000 in USAA insurance proceeds would be credited to satisfy a portion of the Consent Judgment against Defendant JR Strickland.

It appears to the Court and is agreed among the parties, that the claims against Mr. and Mrs. Strickland have, in fact, been discharged through bankruptcy prior to any trial in this matter.

It further appears to the Court and is agreed among the parties that, in accordance with the terms of the Settlement Agreement, USAA has paid the Plaintiffs \$200,000 as partial payment of the Consent Judgment entered against Defendant JR Strickland.

The Consent Judgment has accrued interest in the amount of \$1,289.87 from the date of entry of the Consent Judgment to the date that the Chancery Court of Lafayette County authorized disbursement of the USAA funds.

IT IS THEREFORE ORDERED, that a credit of \$200,000.00 less interest of \$1,289.87 be given toward partial satisfaction of the amount under the Consent Judgment against Defendant JR Strickland, and that the amount owed under the terms of the Consent Judgment be therefore reduced by \$198,710.13.

IT IS SO ORDERED, this the 8th day of December, 2015.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

So Agreed:

/s/JAMES M. SIMPSON/by JBJ with permission
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